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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KIMMEL, CARTER, ROMAN, PELTZ,
9 & O'NEILL, P.A., on behalf of itself and
10 all others similarly situated,

11 Plaintiff,

12 v.

13 COSTCO WHOLESALE
14 CORPORATION and the COSTCO
15 EMPLOYEE BENEFITS PROGRAM,

16 Defendants.

C19-741 TSZ

MINUTE ORDER

17 The following Minute Order is made by direction of the Court, the Honorable
18 Thomas S. Zilly, United States District Judge:

19 **BENCH TRIAL DATE**

October 13, 2020

20 Length of Trial

2 days

21 Discovery on class certification issues completed by

September 23, 2019

22 Any motions related to class certification must be filed by

November 21, 2019

23 Deadline for joining additional parties

January 16, 2020

Any motions for leave to amend pleadings filed by

January 16, 2020

Disclosure of expert testimony under FRCP 26(a)(2)

February 4, 2020

1 All motions related to discovery must be filed by February 20, 2020

2 All remaining discovery completed by March 19, 2020

3 All dispositive motions must be filed by May 14, 2020
4 and noted on the motion calendar no later
than the fourth Friday thereafter (see LCR 7(d))

5 All motions related to expert witnesses (e.g., Daubert
6 motion) must be filed by May 21, 2020
7 and noted on the motion calendar no later
than the third Friday thereafter (see LCR 7(d))

8 All motions *in limine* must be filed by August 27, 2020
9 and noted for the third Friday thereafter; responses
shall be due on the noting date; no reply shall be
filed unless requested by the Court

10 Agreed Pretrial Order due¹ September 25, 2020

11 Trial briefs, proposed voir dire questions, and September 25, 2020
12 proposed jury instructions due

13 Pretrial conference to be held at **1:30 p.m.** on October 2, 2020

14 These dates are set at the direction of the Court after reviewing the joint status
15 report and discovery plan submitted by the parties. All other dates are specified in the
16 Local Civil Rules. These are firm dates that can be changed only by order of the Court,
17 not by agreement of counsel or the parties. The Court will alter these dates only upon
18 good cause shown: failure to complete discovery within the time allowed is not
19 recognized as good cause.
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21 ¹ The Agreed Pretrial Order shall be filed in CM/ECF and shall also be attached as a
22 Word compatible file to an e-mail sent to the following address:
23 ZillyOrders@wawd.uscourts.gov.

1 As required by LCR 37(a), all discovery matters are to be resolved by agreement if
2 possible. Counsel are further directed to cooperate in preparing the final pretrial order in
3 the format required by LCR 16.1, except as ordered below.

4 Notwithstanding Local Civil Rule 16.1, the exhibit list shall be prepared in table
5 format with the following columns: "Exhibit Number," "Description," "Admissibility
6 Stipulated," "Authenticity Stipulated/Admissibility Disputed," "Authenticity Disputed,"
7 and "Admitted." The latter column is for the Clerk's convenience and shall remain
8 blank, but the parties shall indicate the status of an exhibit's authenticity and
9 admissibility by placing an "X" in the appropriate column. Duplicate documents shall
10 not be listed twice: once a party has identified an exhibit in the pretrial order, any party
11 may use it.

12 The original and one copy of the trial exhibits are to be delivered to the courtroom
13 at a time coordinated with Gail Glass, who can be reached at 206-370-8522, no later than
14 the Friday before trial. Each set of exhibits shall be submitted in a three-ring binder with
15 appropriately numbered tabs. Each exhibit shall be clearly marked. Plaintiff's exhibits
16 shall be numbered consecutively beginning with 1; defendant's exhibits shall be
17 numbered consecutively beginning with the next multiple of 100 after plaintiff's last
18 exhibit; any other party's exhibits shall be numbered consecutively beginning with the
19 next multiple of 100 after defendant's last exhibit. For example, if plaintiff's last exhibit
20 is numbered 159, then defendant's exhibits shall begin with the number 200; if
21 defendant's last exhibit number is 321, then any other party's exhibits shall begin with
22 the number 400.

1 Counsel must be prepared to begin trial on the date scheduled, but it should be
2 understood that the trial may have to await the completion of other cases.

3 Should this case settle, counsel shall notify Karen Dews at 206-370-8830 as soon
4 as possible.

5 The Clerk is directed to send a copy of this Minute Order to all counsel of record.
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7 Dated this 20th day of August, 2019.

8 William M. McCool
9 Clerk

10 s/Karen Dews
11 Deputy Clerk
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